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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 April 1997]

1. The International Indian Treaty Council addresses item 10 and 10 (b) of the agenda, focussing on the pervasive violations of human rights caused by the militarization of indigenous territories as well as the continued impunity enjoyed by State military forces in their repression of indigenous peoples.

2. The Commission is well aware of the suppression of the indigenous peoples of Bougainville who, for almost a decade, have been suffering blockades, extrajudicial assassination, disappearances, deaths in detention, and the outright starvation and murder of innocent civilians by the Papua New Guinea Defence Forces and paramilitary groups associated with them. What began as a protest against ecological devastation by transnational mining companies, because of impunity and repression by the State is now a full-fledged civil war with indigenous civilians suffering the brunt of massive and gross human rights violations documented by a Special Rapporteur and international non-governmental organizations.

3. In Bolivia, a confrontation between indigenous miners and the transnational owners, the Vista Gold Corporation, led to the 22 December 1996 "Christmas massacre" in northern Potosi by the Bolivian military, where 11 indigenous persons died.

4. In Myanmar, thousands of Karen peoples have been driven out of their homes by the army. Hundreds of Karen have been murdered, raped and enslaved, according to human rights groups which base their evidence on independent research, including hundreds of eyewitness accounts. Tens of thousand have been forced to work, unpaid and unfed, building roads and railways, and 30,000 have fled into the jungle or across the border to Thailand. The Myanmar army is razing and displacing entire villages to make way for a nature reserve. Not coincidentally, the reserve would also encompass a section of a gas pipeline being constructed by Total and Unocal, the French and American oil companies, which signed agreements with the State to pump gas from the Andaman Sea in the west to Thailand in the east. Human rights groups have documented that forced labour is also being used on the project. Yet, the New York-based Wildlife Conservation Society and the Smithsonian Institution in Washington are reportedly supporting the Government's creation of this reserve, mindless of the contempt for indigenous lives and the genocidal impunity enjoyed by the Government of Myanmar against the Karen peoples.

5. Throughout the world the pattern of militarization of indigenous lands is repeated, along with impunity for the resulting gross violations of human rights.

6. Recently, in Venezuela, a military operation was conducted on Bari territory by the Venezuelan military accompanying representatives of transnational mining firms, to intimidate the Bari peoples into accepting coal mining on their territories. These transnationals reportedly paid for the military operation, including helicopters and military transport, with no accountability for their effects on indigenous peoples and their homelands.

7. Recently the National Indigenous Congress of Mexico repudiated the militarization of Chiapas and the escalating repression and impunity of the Mexican army, including an incident which took place in San Pedro Nixtalucum on 14 March, in which dozens of indigenous Tzotziles were attacked in a government military operation which included the use of helicopter artillery, leaving four people dead. According to Mexican and international NGOs, at least 29 people were reportedly detained, brutally beaten and charged with the deaths of those actually killed by the military. Hundreds of community members were forced to flee and take refuge in a nearby village.

8. These are not isolated incidents. Public Security Police, judicial police, state police, paramilitary groups, as well as federal military forces reportedly murder, imprison and torture indigenous peoples with impunity. Mexican NGOs have reported that in the majority of cases, the victims of arbitrary detentions, torture and disappearances are executed by their captors so as to maintain the clandestine nature of the repression. Sometimes the body of the victim is left in a public place with the intent of spreading fear and intimidation among the population.

9. The United States, by its military aid to Mexico and other countries in the name of wars on drugs and/or terrorism, continues to support the encroachment of brutal armed forces on indigenous lands and communities and the violent suppression of justified dissent. For example, despite the proven violent history of its role in the recently ended civil war in which many thousands of indigenous peoples were exterminated, tortured, raped and disappeared, the United States reportedly wants to continue arming the Guatemalan military, now in the name of the so-called "war against drugs".

10. Indigenous peoples in Guatemala continue to die and impunity for the perpetrators of both past and ongoing abuses continues to be the norm. Victims now fear that the so-called "Law of National Reconcilation" recently adopted by the Guatemalan Congress will legalize this pattern of impunity for human rights violations that occurred at the hands of the Guatemalan military during the armed conflict.

11. The International Indian Treaty Council condemns in the strongest terms the extrajudicial execution of Tomás Alonzo Sequén and his son, Roque Jacinto Alonzo Quisque, on 21 March 1997 in the community of San Rafael Sumatán, in the department of Chimaltenango, Guatamala. They were assassinated by a hooded man wearing an army uniform who entered their house and shot them in front of several other members of the family. Another man in plain clothes waited outside the house. Tomás Alonzo Sequén was a prominent indigenous leader in the community, a member of the Union of Mayan People of Guatemala and of the Permanent National Commission on Land Rights which was created within the framework of peace agreements signed by the Guatemalan Government and the URNG in 1996. Amnesty International has voiced grave fears for the safety of the family members who witnessed the killings.

12. In Panama, the Kuna peoples have also voiced grave concerns over the reported intention of the United States, in spite of its agreement with the Panamanian Government to withdraw its bases from Panama by 1999, to set up a naval base within the Kuna Indian territory. By the Torrijos-Carter accords the United States has committed itself to Panama's neutrality and to cleaning up the high level of toxic contamination caused by its military presence in the Canal Zone. Now the United States wants to continue and even expand its military presence on indigenous lands, without regard for the Kuna people's wishes or the continued extreme levels of toxic contamination of their territories and waters which have become the hallmark of United States military bases located both within and outside the United States.

13. The International Indian Treaty Council calls upon the United Nations to recognize the right of the peoples of Bougainville to self-determination, and to re-establish the mandate of the Special Rapporteur on impunity.

14. As an urgent matter, we urge the Commission to continue the mandate of the Special Rapporteur on Guatemala, Ms. Mónica Pinto. Ms. Pinto's role continues to be imperative in investigating violations of human rights in Guatemala, which MINUGUA's mandate does not sufficiently address.

15. We also recommend, as we have in the past, that the Commission on Human Rights strongly consider the implementation of a special study on militarism and indigenous peoples, because the problem is so widespread and pervasive around the world and because impunity within the national systems of States continues unabated.

16. Mindful that indigenous peoples continue to be brutally colonized by military means, we once again urge the adoption of the United Nations draft declaration on the rights of indigenous peoples, recognizing the right of indigenous peoples to self-determination as a principle of international law.

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